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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

**SHAWN RILEY, individually and on behalf
 of all others similarly situated,**

v.

SAFEWAY INC.,

Defendant.

No. 3:07-cv-06174-JCS

**STIPULATION REQUESTING AN
 ORDER AMENDING THE CASE
 MANAGEMENT SCHEDULE**

Pursuant to Civ. L. R. 6-2 and 16-2, Plaintiff Shawn Riley (“Plaintiff” or “Riley”) and Defendant Safeway Inc. (“Defendant” or “Safeway”) (collectively, the “Parties”), by and through their attorneys, submit the following as and for this Stipulation Requesting An Order Amending The Case Management Schedule:

The above-captioned action is one of nineteen actions filed against Aurora Dairy Corporation, d/b/a Aurora Organic Dairy (“Aurora”) and/or several retailers who sell Aurora’s organic milk. See Dkt # 16 (Safeway Inc.’s Local Rule 3-13 Notice Of Pendency Of Other Actions Or Proceedings).

On February 20, 2008, the Judicial Panel on Multidistrict Litigation (“Multidistrict Panel”) issued an order transferring and consolidating four of those actions -- Freyre, et al. v. Aurora Dairy Corp. (D. Colo.), Still, et al. v. Aurora Dairy Corp. (D. Colo.); Fiallos v. Aurora Dairy Corp. (S.D. Fla.) and Mothershead, et al. v. Aurora Dairy Corp. (E.D. Mo.) -- in the Eastern District of Missouri. See Declaration of Kathleen P. Lally (“Lally Decl.”) ¶ 2, Ex. A (Transfer Order) at 7. In addition, the Multidistrict Panel identified eleven other actions -- including this action -- as “potential tag-along” actions. See id. at 5, n. 1. Accordingly, on February 26, 2008, the Clerk of the Multidistrict Panel issued a Conditional Transfer Order for this and the other previously identified “potential tag-along” actions. See Lally Decl. Ex. B (Conditional Transfer Order) at 10-11.

On February 22, 2008, in light of the Transfer Order issued by the Multidistrict Panel and the likely issuance of the conditional transfer order in this matter, the Parties agreed to stipulate to both an extension of time for conducting pre-trial matters and to seek an order postponing the Case Management Conference. See Lally Decl. ¶ 3. In light of the pending consolidation of this matter, the Parties agree that the Court should suspend pre-trial matters in this matter pending a transfer decision by the Multidistrict Panel. The Parties face a number of near-term deadlines, including engaging in preliminary discovery, defining the scope of electronic and other discovery and otherwise engaging in pre-trial activities. See Dkt # 2 (Order Setting Initial Case Management Conference And ADR Deadlines). Many of these issues, such as the Case Management Conference and pre-trial motion practice, implicate judicial and litigant resources. Accordingly,

1 this Court should enter the attached proposed order. See e.g., Good v. Prudential Ins. Co. of Am.,
 2 5 F. Supp. 2d 804, 809 (N.D. Cal. 1998) (vacating and ruling *inter alia* that scheduled case
 3 management conference be vacated where a “conditional order of transfer has been entered”).

4 CONCLUSION

5 For the reasons stated above, the Parties agree and respectfully request that all proceedings
 6 in this matter be suspended pending the resolution of the conditional transfer order to be issued by
 7 the Clerk of the Multidistrict Panel, transferring and consolidating this action with the
 8 consolidated proceedings In re Aurora Dairy Corp. Organic Milk Marketing and Sales Practices
 9 Litigation. The Parties further agree and respectfully request that the Court amend the Case
 10 Management Schedule to reflect the schedule proposed in the attached order, or for a reasonable
 11 period of time after a decision by the Multidistrict Panel, as the Court deems appropriate.

12 ATTESTATION OF SIGNATURE

13 Concurrence in filing this document has been obtained from each of the other signatories.

14 Dated: February 29, 2008

Respectfully submitted,

15 LATHAM & WATKINS LLP
 16 Vivianne C. Stapp

17 /s/

18 By: _____
 19 Vivianne C. Stapp
 Attorneys for Defendant
 Aurora Dairy Corporation

21 HAGENS BERMAN SOBOL SHAPIRO LLP
 22 Elizabeth A. Fegan

23 /s/

24 By: _____
 25 Elizabeth A. Fegan
 Attorney for Plaintiff
 Shawn Riley

[PROPOSED] ORDER

The Court having considered the Stipulation Requesting An Order Amending The Case Management Schedule and good cause appearing, IT IS HEREBY ORDERED that the request is GRANTED.

The Case Management Schedule entered on December 5, 2007 be amended to reflect the following schedule:

- a. The Parties meet and confer regarding the initial disclosures, early settlement, ADR process selection, and discovery plan within twenty (20) days of the decision of the Multidistrict Panel;
- b. The Parties file Joint ADR Certification with Stipulation to ADR Process or Notice of Need for ADR Phone Conference within twenty (20) days of the decision of the Multidistrict Panel;
- c. The Parties file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement per attached Standing Order regarding Contents of Joint Case Management Statement within thirty-four (34) days of the decision of the Multidistrict Panel; and
- d. The Initial Case Management Conference be held within forty-four (44) days of the decision of the Multidistrict Panel.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: _____

Judge Joseph C. Spero
United States Magistrate Judge